

### REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-7 are currently pending. Claims 1-7 have been amended by the present amendment. The changes to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, the specification was objected to in paragraphs 2 and 6 as containing minor informalities; Claims 3 and 5 were objected to regarding various informalities; Claims 1, 2, 6, and 7 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,119,005 to Smolik (hereinafter "the '005 patent"); Claims 3-5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the '005 patent; and Claims 4 and 5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the '005 patent in view of U.S. Patent Application Publication No. 2003/0190916 to Celedon et al. (hereinafter "the '916 application").

In response to the objection to the specification, the specification has been amended as suggested in the Office Action. Accordingly, the objection to the specification is believed to have been overcome.

In response to the objections to the claims, Claims 3 and 5 have been amended to address the objections noted in the Office Action. Accordingly, the objections to Claims 3 and 5 are believed to have been overcome.

Amended Claim 1 is directed to a neighbor cell notifying apparatus for notifying a mobile station of predetermined information in a mobile communications network for implementing radio communication utilizing a plurality of cells between the mobile station and a base station, the neighbor cell notifying apparatus comprising: (1) cell information extracting means for extracting neighbor cell information items identifying respective

neighbor cells of each of the plurality of cells, including a first cell and a second cell utilized by a mobile station for communication with the base station; (2) cell rank determining means for, based on the extracted neighbor cell information items, ranking the neighbor cell information items that the mobile station is to be notified of, wherein the cell rank determining means favors neighbor cell information items that are common to the first cell and the second cell out of the plurality of cells; and (3) cell information notifying means for notifying the mobile station of a predetermined number of neighbor cell information items among the neighbor cell information items based on the determined ranking. Claim 1 has been amended for the purpose of clarification only and no new matter has been added.<sup>1</sup>

The '005 patent is directed to a system for the automated determination of a handoff neighbor list for cellular communication systems. As shown in Figure 1, the '005 patent discloses a data structure that stores data indicative of the relative signal strength of a plurality of pilot channels measured at a mobile unit. The data structure includes the sum of the power levels that were measured by the various mobile units for all reported instances, which is used to determine a metric for each data structure in the list and to rank the plurality of pilot channels as a function of the metrics. However, Applicants respectfully submit that the '005 patent fails to disclose cell rank determining means for, based on the extracted neighbor cell information items, ranking neighbor cell information items that the mobile station is to be notified of by favoring neighbor cell information items that are common to a first cell and a second cell utilized by the mobile station for communication with the base station, as recited in amended Claim 1. While the '005 patent discloses a system for ranking neighboring cells, the '005 patent fails to disclose a ranking system that favors neighboring cells that are common to both a first cell and a second cell utilized by the mobile station for communication with the base station, as recited in amended Claim 1. Accordingly,

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<sup>1</sup> See, e.g., Figs. 1-3b and the discussion related thereto in the specification.

Applicants respectfully submit that the rejection of Claim 1 as anticipated by the '005 patent is rendered moot by the present amendment to Claim 1.

Independent Claims 2, 6, and 7 recite limitations analogous to the limitations recited in Claim 1. In particular, Applicants note that Claim 2 recites cell rank determining means for ranking neighbor cell information items that the mobile station is to be notified of, based on the extracted neighbor cell information items and on predetermined priority information for respective neighbor cells. Accordingly, for the reasons stated above for the patentability of Claim 1, Applicants respectfully submit that the rejections of Claims 2, 6, and 7 are rendered moot by the present amendment to those claims. In particular, Applicants note that the '005 patent fails to disclose a rank determining means that is based on predetermined priority information for the respective neighbor cells. Rather, the '005 patent discloses that the ranking is based on the relative signal strength measured at a plurality of mobile stations for a plurality of pilot channels.

Regarding the rejection of dependent Claims 3-5 under 35 U.S.C. § 103, Applicants respectfully submit that the '916 application fails to remedy the deficiencies of the '005 patent, as discussed above. Accordingly, Applicants respectfully submit that the rejections of Claims 3-5 are rendered moot by the present amendment to Claim 2.

Thus, it is respectfully submitted that independent Claims 1, 2, 6, and 7 (and all associated dependent claims) patentably define over any proper combination of the '005 patent and the '916 application.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

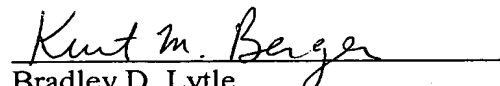
Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Customer Number

**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)

  
Bradley D. Lytle  
Attorney of Record  
Registration No.: 40,073  
Kurt M. Berger, Ph.D.  
Registration No. 51,461

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